

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

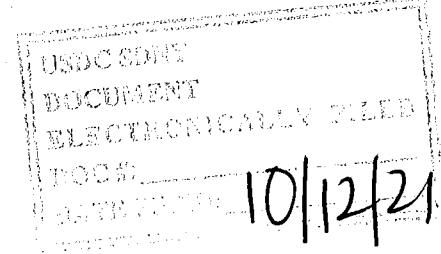
BYRON SANTOS,

Plaintiff,

v.

CORRECTION OFFICER R. FELDMAN,  
Defendant.ORDER

19 CV 5398 (VB)



By Order dated September 28, 2021, the Court ordered defense counsel to file a letter responding to plaintiff's statement that he is having trouble obtaining grievances he filed. (Doc. #74). The Court also ordered defense counsel to resend plaintiff all discovery documents and a copy of defendant's pending summary judgment motion. Finally, the Court stayed all deadlines relating to summary judgment briefing.

Although summary judgment briefing deadlines were stayed, plaintiff filed his opposition to defendant's motion for summary judgment on September 28, 2021. (Docs. ## 76, 77).

On October 8, 2021, defense counsel filed her letter pursuant to the Court's September 28 Order, stating: (i) defense counsel sent plaintiff his Grievance History List, which includes any and all grievances filed with the Central Office Review Committee ("CORC") on June 1, 2021; (ii) she spoke with Melissa Pickett, the Inmate Grievance Program Supervisor at Downstate Correctional Facility, who stated there are no records of any grievance filed at Downstate pertaining to an October 18, 2017, incident or any assault; and (iii) she spoke with Rachael Seguin, the Assistant Director of the Inmate Grievance Program for DOCCS, who stated the only grievance recorded from plaintiff is one pertaining to missing medical records, filed on July 2019. (Doc. #78). Defense counsel also indicated she mailed a copy of all discovery documents and resent a copy of defendant's summary judgment motion to plaintiff at the address listed on the docket.

Accordingly, it is HEREBY ORDERED:

1. Defendant's reply to plaintiff's opposition, if any, is due November 22, 2021.
2. The Court certifies pursuant to 28 U.S.C. § 1915(a)(3) that any appeal from this Order would not be taken in good faith, and therefore in forma pauperis status is denied for the purposes of an appeal. Cf. Coppedge v. United States, 369 U.S. 438, 444–45 (1962).

Chambers will mail a copy of this Order to plaintiff at the address on the docket.

Dated: October 12, 2021  
White Plains, NY

SO ORDERED:

A handwritten signature in black ink, appearing to read "Vincent L. Briccetti".

Vincent L. Briccetti  
United States District Judge

10/12/21  
Copies Mailed/Faxed  
Chambers of Vincent L. Briccetti